

The Honorable Mary Alice Theiler

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

LENNY R. SCHWARTZ,

Plaintiff,

V.

MICHAEL J. ASTRUE, Commissioner of
the Social Security Administration,

Defendant.

No. C08-1577-MJP-MAT

**ORDER TO SHOW CAUSE FOR
FAILURE TO FILE ANSWER**

Plaintiff filed a Declaration of Service on November 6, 2008. Consistent with Civil Rule 12(a)(2), Defendant's answer is due sixty days after service (plus three days for mailing). In this case, an answer was due by January 8, 2009. To date, an answer has not been filed with the Court.

It is therefore ORDERED that Defendant show cause, within fourteen (14) days of the filing of this Order, why the Court should not entertain a Federal Rule of Civil Procedure 55(d) motion for default judgment in favor of plaintiff. Alternatively, Defendant may respond to this Order by filing a motion requesting additional time to file an answer, or the answer itself.

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The Clerk shall direct copies of this Order to counsel for Plaintiff and Defendant.

DATED this 28th day of January, 2009.

s/ Mary Alice Theiler
United States Magistrate Judge

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